

Notice of Allowability

Application No.

10/724,654

Applicant(s)

DELUCIA ET AL.

Examiner

Kuo-Liang Peng

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/11/07 Amendment.
2. ☒ The allowed claim(s) is/are 50,53,55-65,67,69-79 and 82-84.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>090107</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. Applicants' amendment filed July 11, 2007 is acknowledged. Claims 1-49, 51 and 80-81 are deleted. Claims 50, 60 and 64 are amended. Claims 82-84 are added. Now, Claims 50, 52-79 and 82-84 are pending.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Jason W. Johnston on August 29, 2007.

The application has been amended as follows:

Delete Claims 52, 54, 66 and 68.

In Claim 53 (line 1), replace "52" with -- 50 --.

In Claim 53 (line 2), delete "triblock".

In Claim 55 (line 1), replace "54" with -- 50 --.

In Claim 55 (line 2), delete "tetra-block".

In Claim 64 (line 6), replace “a combination” with -- combinations --.

In Claim 67 (line 1), replace “66” with -- 64 --.

In Claim 67 (line 1), delete “triblock”.

In Claim 69 (line 1), replace “68” with -- 64 --.

In Claim 69 (line 2), delete “tetrablock”.

In Claim 82 (line 2), replace “1” with -- 50 --.

In Claim 84 (line 1), replace “82” with -- 83 --.

4. Claim rejection(s) under 35 USC 112 in the previous Office Action (Paper No. 031707) is/are removed.

5. Claim rejection(s) under 35 USC 102 and 103 in the previous Office Action (Paper No. 031707) is/are removed.

Allowable Subject Matter

6. Claims 50, 53, 55-65, 67, 69-79 and 82-84 are allowed.

7. The following is an examiner's statement of reasons for allowance:

The present claims are allowable for at least the following reason(s) over the closest references: Nohr (US 5 413 655) and Chino (US 7 067 592).

Nohr discloses a method of forming a melt extrudate by extruding a melt-extrudable composition comprising a thermoplastic elastomer such as the polymers derived from monomers of ethylene, butene, styrene, etc. and the block copolymers derived from these monomers and a polysiloxane polyether. The melt-extrudable composition can be used for preparing nonwoven webs, etc. (col. 4, line 21 to col. 5, line 21, col. 6, line 42 to col. 7, line 18, col. 10, line 61 to col. 12, line 61 and Examples) However, Nohr does not teach or fairly suggest the specific elastomeric styrenic block copolymers set forth in Claims 50 and 64.

Chino discloses a method for preparing a composition comprising an elastomer of a styrenic block copolymer having a carbonyl-containing group and a nitrogen-containing heterocycle in the side chain, a linear polysiloxane having an amino group. (col. 12, lines 15-23, col. 11, lines 8-18, col. 13, lines 24-26, col. 24, lines 9-15 and Examples) However, Chino does not teach or fairly suggest the specific elastomeric styrenic block copolymers set forth in Claims 50 and 64.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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klp

August 29, 2007

A handwritten signature in black ink, appearing to read 'Kuo-Liang Peng', written in a cursive style.

Kuo-Liang Peng
Primary Examiner
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